

FILED
APR 26 2007
TIMOTHY McGRATH, CLERK BY DEP. CLERK

April 26, 2007

Dear Sir or Madam:

I Danielle J. Brandon on this 26th day of April 2007 do formally file this answer to the trustee's motion to dismiss.

I first and foremost would like to apologize for the informal submittance of this response, as I am forced to file this on my own. As I am not represented by counsel. Lawrence Rubin no longer represents me.

I understand Trustee's position in his motion to dismiss, however I ask this court and the Trustee to reconsider, as I have very valid reasons for falling behind, and it is my intention to make full payment by the 19th of May.

I am currently disabled and on workman's Compensation, My employers Insurance Carrier has failed to make required payments related to my work related injuries.

After my employers filing for termination of benefits Judge Carl Lorine denied their request and continued my benefits. After, the insurance company disagreed and they filed an appeal against the Judges decision, and promptly stopped all therapy, and payments for medications. Forcing me to pay for treatment and medication as I have no insurance.

The appeal board just rendered their decision on 4/19/07 allowing me to file a penalty petition to force payment of monies owed as the workers comp insurance carrier have not paid for the past 8 Months, causing me to fall behind, coupled with the recent death of my dad for whom I was directly responsible for who had no insurance. I have a copy of the death certificate

Because of this recent appeal board ruling and filing of the penalty petition I am able to catch up. I able to make a \$700.00 dollar payment on 4/30/07 and \$800.00 on May 14th. And be totally caught up at the months end.

I ask this court to also take into consideration my position which has been stated before but not addressed by my attorney or the Mortgage Company, even after my former attorney filed an objection to EMC's proof of claim.

My position is my Trustee payment is not correct, I have submitted documentation to both EMC and my former attorney to substantiate my position. EMC has made many calculation mistakes thus making my trustee payment higher than what it should be and NOBODY will address it, while I must continue to pay above what is due. EMC has on many occasions submitted false information to this court amending proof of claims and not correctly crediting my account for payments made. Thus causing my payment to the trustee to be substantially higher. I offer you the following examples, and use their own submitted documents to substantiate and cross reference my claims as I have been doing for years with these people, and I have had no voice.

In EMC's 4/18/05 proof of claim they said their was no payment of \$400.00 for 10/03, when in fact EMC's own response to Debtors objection to claim dated 10/10/06 page 10 of this Account Activity Statement clearly indicates a payment of \$988.00 to EMC. Also same poof of claim indicates no payment of \$400.68 on 9/1/04 when in fact on page 7 of the Account Activity Statement dated 10/11/06 it is indicative of EMC receiving from me \$650.00 on 9/14/04

- 2 -

April 26, 2007

On EMC's 11/29/06 proof of claim they also claim no payment of \$400.68 from 4/1/05-9/01/05 when in fact the Account Activity Statement provided to this court by EMC dated 10/10/06 page 5 indicates a payment to EMC on 7/15/05 in the amount of \$850.00. I also submit to you Postal Money Order Receipt #08225082268 in the amount of \$850.00 paid to EMC but not credited dated 7/28/05. I have been victimized and forced to file chapter 13 and I will show you how with the attached documentation.

See Exhibit C which list escrow requirement at \$367.90 that X 12 = \$4,414.80. My taxes for 2003 were \$2,414.63 See Exhibit B with correct taxes for 2003 on EMC's Annual Escrow Disclosure dated 4/11/03 they were over charging me \$2000.17 per year equaling an extra \$166.68 per month.

See also Escrow Account Disclosure Sheet dated 6/9/03 Exhibit D I point out this huge mistake my county tax was \$253.65, School Tax \$1,507.79, city tax \$653.19 totaling \$2,414.63 yet see same exhibit where EMC paid \$2,897.13 for county taxes that was clearly \$253.65, again they paid \$2,289.02 for a county tax and another \$2,253.87.

On 5-26-04 EMC alleges on the customer activity statement dated 10/11/06 page 8 that they paid a city tax for \$862.47 with a due date of 3/01 Please see listed taxes on official tax document listed as exhibit # 1 for the city tax owed which was \$239.89 not \$862.47

Even after I pointed out these errors which caused them to over charge the amount of my escrow payments and shortage they continued to ignore me and aggressively tried to foreclose literally FORCING me to file bankruptcy to save my home. I paid EMC a total of \$5,604.65 from 6/03 to 10/03 see enclosed account history provided to you by EMC those payments are listed.

Mr. Rubin has been made aware of these problems I have asked him to formally have my account reviewed as it has always been my contention that I do Not owe EMC as much as they say I do and they continue to file documents that ignore my complaints and lead this court to believe I am a deadbeat who does not pay, when in fact they have filed false motions, and proof of claims while I struggle to pay them.

I have a scheduled important medical exam for the date of this hearing 5/3/07 I respectfully ask that this hearing be rescheduled. I also ask that something be done about EMC taking advantage of me by not taking the time to correct and re figure exactly what my trustee payment should be I have provided you with proof that clearly knocks off a couple hundred dollars off of their proof of claim which would have lowered my trustee payment had my lawyer done his job. Yet he informed me he did not have the time to come to court and refused forcing me to sign the agreement that EMC would knock off some late fee's hardly what was due , and continuing to ignore my attempts to make this court aware that their proof of claims were wrong

I have paid over \$5,000.00 to my trustee already and am very serious about preserving my home. I ask that this motion to dismiss be denied and I be given the opportunity to catch up, and EMC be made to correct its proof of claim and review my account.

Sincerely,


Danielle Brandon